

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case Number 18-20495

v.

Hon. David M. Lawson

IBRAHEEM IZZY MUSAIBLI,

Defendant.

MOTION TO ADJOURN DEFENDANT'S MOTION CUTOFF

Defendant Ibraheem Musaibli, through his attorneys, the Federal Community Defender for the Eastern District of Michigan, moves this Court to enter an order adjourning his motion cutoff date for 60 days, until December 14, 2018. In support of this requests Defendant states:

1. On August 8, 2018, this Court entered a scheduling order setting dates.
2. October 15, 2018, was set as the motion cutoff date for any pretrial motions relating to the first batch of discovery produced by the Government.
3. This discovery included numerous search warrants relating to electronic devices and social media accounts.
4. The returns relating to these warrants is voluminous.
5. Since that date, the Government has produced additional discovery, including additional related search warrants.

6. The Government is conducting an ongoing review of materials and is in the process of producing more discovery.
7. Defense counsel has been diligently reviewing the provided discovery. One attorney assigned to the case is devoting over 80% of his time to discovery review. Additionally, a law clerk has been hired and assigned to assist in discovery review.
8. Despite this allocation of resources, counsel has yet to complete a review of the relevant discovery.
9. Defense counsel is in a position to analyze most of the legal issues stemming from the warrants. However, counsel needs to complete additional discovery review to determine whether or not the filing of motions is warranted from a strategic standpoint.
10. To avoid unnecessary piecemeal litigation that is neither in the interest of the defendant nor judicial economy, a 60-day adjournment of the motion cutoff is appropriate.
11. If the remaining discovery is produced as anticipated by the parties, 60 days should be sufficient to allow the defendant and defense counsel to consult and formulate a litigation strategy for this case. Counsel can then file motions, if appropriate.

12. At this time, an adjournment of the other dates set in the Court's prior scheduling order is unnecessary.

13. The Government concurs in this requests.

Defendant requests that this Court enter an order adjourning Defendant's motion cutoff date by 60 days, until December 14, 2018.

Respectfully submitted,

s/James Gerometta

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Dated: October 15, 2018

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EASTERN DISTRICT OF MICHIGAN
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UNITED STATES OF AMERICA,

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IBRAHEEM IZZY MUSAIBLI,

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BRIEF IN SUPPORT OF DEFENDANT'S UNOPPOSED MOTION TO

ADJOURN DEFENDANT'S MOTION CUTOFF

I.

On August 8, 2018, this Court set a motion cutoff date of October 15, 2018, for any motions relating to the first batch of discovery produced by the Government. This discovery consisted of multiple search warrants relating to electronic devices and social media accounts. The returns relating to these warrants is voluminous. The Federal Community Defender has assigned multiple attorneys to the case, one of whom is devoting the majority of his time to discovery review. Additionally, the Federal Community Defender has hired a law clerk to assist in discovery review. Despite these efforts, defense counsel has not been able to review all the discovery provided to date. The Government expects to provide additionally discovery prior to the end of October.

While it is possible for defense counsel to make some legal judgments about possible challenges to the warrants, without further discovery review it is not possible to make an informed strategic calculation regarding what, if any, motions should be filed. To avoid unnecessary piecemeal litigation that is in neither the interest of the defendant nor judicial economy, a 60-day adjournment of the motion cutoff is appropriate. At the conclusion of this time, it is expected that defense counsel and defendant will have had the necessary time to review the discovery and develop a litigation strategy for the case.

II.

For the above reasons and those stated in the motion, this Court should enter an order adjourning the motion cutoff date from October 15, 2018 until December 14, 2018.

Respectfully submitted,

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Dated: October 15, 2018